

UNITED STATES DISTRICT COURT
for the

Eastern District of Tennessee

United States of America)	
v.)	
James A. Sims)	Case No: <u>4:05-CR-00016-001</u>
)	USM No: _____
Date of Previous Judgment: <u>3/10/06</u>)	<u>Robert T. Carter</u>
(Use Date of Last Amended Judgment if Applicable))	Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 235 months **is reduced to** 188 months. If this revised sentence is less than the amount of time the defendant has already served, the sentence is reduced to a "time served" sentence.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: <u>38</u>	Amended Offense Level: <u>36</u>
Criminal History Category: <u>I</u>	Criminal History Category: <u>I</u>
Previous Guideline Range: <u>235</u> to <u>293</u> months	Amended Guideline Range: <u>188</u> to <u>235</u> months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- ☒ The reduced sentence is within the amended guideline range.
- ☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- ☐ Other (explain):

III. ADDITIONAL COMMENTS

The Court has granted Defendant the greatest reduction possible under the crack retroactivity amendments.

Except as provided above, all provisions of the judgment dated 3/10/06 shall remain in effect.

IT IS SO ORDERED.

Order Date: November 24, 2008

/s/
Judge's signature

Effective Date: December 5, 2008
(if different from order date)

Curtis L. Collier, Chief United States District Judge
Printed name and title